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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/894,318

06/28/2001

Shailesh S. Bavadekar

5181-91600

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02/16/2006

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,318	BAVADEKAR, SHAILESH S.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26-40, 44-75, 77-84 and 87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52-58 is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-24, 26-38, 40, 44-49, 51-69, 73-75, 77-82, 84 and 87 is/are rejected.
- 7) ☒ Claim(s) 17-19, 39, 50, 70-72 and 83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks, filed 12.12.2005.

Claims 25, 41-43, 76, 85 and 86 are cancelled. Claims 1-24, 26-40, 44-75, 77-84 and 87 are presented for further examination.

2> This is a final rejection.

Allowable Subject Matter

3> Claims 52-58 allowed.

4> Claims 17-19, 39, 50, 70-72 and 83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5> Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that the prior art reference Cunningham does not disclose limitations of claim 44; specifically, each of a plurality of transport packets including sequence information or processing the sequence of messaging system messages on a second node, wherein said processing uses the sequence information for the plurality of messages.

As mentioned by Applicant, Cunningham discloses reordering messages. Applicant

Art Unit: 2152

further asserts that these messages do not have sequence information. Such an assertion seems contradictory to what would have been known to one ordinary skill in the art; reordering messages within a system would seem to implicitly suggest that the messages contain some means that would allow them to be reordered.

In fact, Cunningham discloses: “the communication server 61 reorders received messages as necessary based upon the count parameters” [column 8 «lines 33-35»]. The Office interprets Cunningham’s count parameters as corresponding to Applicant’s sequence information. Cunningham reorders the packets based on the count parameter that is part of each packet.

Further, Cunningham discloses that processing of the messages based on the count parameter occurs at the communication server. The Office interprets the server as the second node claimed by Applicant.

6> Applicant also amends claims 1, 31, 59 and 80 to include claim language directed towards a messaging server configured to receive messages from a plurality of clients and delivering the messages a plurality of recipients and a messaging API.

These limitations seem to be pulled directly from Applicant’s admitted prior art; Applicant’s description of related art discloses: “A messaging server is a middle program that handles messages that are sent by client programs for use by other programs. A messaging system using a messaging application program interface (API)... . The messaging server, in turn, delivers the messages to the specified recipients.” [Applicant’s specification, page 1 «lines 19-26»]. See § 103(a) rejections below.

7> Applicant attempts to distinguish Erickson by further asserting: "using a persistent HTTP tunnel to support a Telnet between a client and a host has absolutely nothing to do with a messaging server configured to receive messages from a plurality of clients and delivering the messages to recipients". Contrary to this assertion, Erickson's persistent HTTP tunnel is utilized by a middleware server to distribute messages between the client to the host [column 2 «lines 43-59»]. Erickson also discloses that the client formulates messages that comply with the protocols of the session at the second endpoint [column 3 «line 66» to column 4 «line 2»]. Erickson thus seems directly relevant to the messaging system disclosed by Applicant.

Claim Rejections - 35 USC § 103

8> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9> Claims 1-16, 20-24, 26-38, 40, 44-49, 51-69, 73-75, 77-82, 84 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson et al (US 6,412,009, "Erickson," hereafter) and Cunningham et al (US 6,754,621, "Cunningham," hereafter), in further view of Applicant's admitted prior art ["AAPA"].

Art Unit: 2152

10> Regarding claim 1, Erickson discloses a method comprising:

establishing a transport protocol tunnel connection from a first node in a messaging system to a second node in the messaging system (Erickson, Abstract, HTTP tunnel 128, node 126 and node 120, Fig. 3);

generating a messaging system message on the first node (Erickson, Abstract);

generating one or more transport protocol packets, wherein the one or more transport protocol packets each includes at least a part of the messaging system message (Erickson, message is transport via HTTP channel, inherently transport protocol packet is generated); and

transmitting the one or more transport protocol packets to the second node via the transport protocol tunnel connection (Erickson, Abstract, HTTP tunnel 128, node 126 and node 110, Fig. 3); wherein the transport protocol tunnel connection provides full-duplex transmission of messaging system messages between the first node and the second node (Erickson, bi direction is duplex, Abstract).

Further, Erickson discloses the messages can be interleaved but it does not explicitly state that the interleaving messages or transmitting messages are in the sequence of messages being generated. However, transmitting message in according to generated sequence are routinely practiced in the data network communication, for instance, Cunningham, in the same field of endeavor, teaches tunneling messaging system include mechanism for ensuring messages are arranged in generated sequence (Cunningham, Col. 18, lines 42-55, Col. 15, lines 1-20).

Art Unit: 2152

Erickson does disclose a web server that distributes messages between a client and a host computer system [column 2 «lines 43-59» | column 3 «line 66» to column 4 «line 2»] but not expressly disclose a messaging server configured to receive messages from a plurality of clients and delivering the messages a plurality of recipients and a messaging API.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ reordering messaging or packet as taught in Cunningham with Erickson-Cunningham, with the motivation of ensuring reliability of messaging system, as indicated in Cunningham.

11> AAPA discloses "A messaging server is a middle program that handles messages that are sent by client programs for use by other programs. A messaging system using a messaging application program interface (API)... . The messaging server, in turn, delivers the messages to the specified recipients." [Applicant's specification, page 1 «lines 19-26»].

It would have been obvious to one of ordinary skill in the art to modify Erickson's web server with the functionality of AAPA's messaging server to enable the server to deliver messages to specified recipients and also simplified the design of both the client and the host system [Applicant's specification, page 2 «lines 1-15»].

12> Regarding claims 2 and 15, Erickson-Cunningham inherently discloses storing the messaging system message in a transmit buffer on the first node after said generating the messaging system message on the first node, because at the time of invention was made

Art Unit: 2152

output buffering data is required for buffering between processor and network transport mechanism in order to prevent sluggishness of bottom neck problems.

13> Regarding claim 3, Erickson-Cunningham discloses the transport protocol tunnel connection passes through a proxy server (Erickson, 20, Fig 1; Cunningham, Abstract, Col.3, lines 20-25).

14> Regarding claim 4, Erickson-Cunningham discloses transmitting the transport protocol packets from the first node to the proxy server (Erickson, Fig.3, tunneling from unit 126 to unit 120; and transmitting the transport protocol packets from the proxy server to the second node (Erickson, transmitting from unit 120 to unit 110) .

15> Regarding claims 5-8, Erickson-Cunningham discloses the transport protocol tunnel connection passes through at least one firewall (Erickson front page).

16> Regarding claim 9, Erickson-Cunningham discloses the transport protocol tunnel connection passes through a third node (Erickson, node 120, fig 3), and wherein, in said transmitting the one or more transport protocol packets to the second node (Erickson, messages is transmitted to and from either node 110 or 126, which at a given time interval could functional as a second node), the method further comprises: transmitting the one or more transport protocol packets to the third node (Erickson, messages are passed through node 120, i.e., a third node); and the third node forwarding the one or more transport protocol

Art Unit: 2152

packets to the second node (Erickson, node 120 forwards messages between node 110 and 126, which interchangeably functions as a first or a second node at a given time interval).

17> Regarding claim 10, Erickson-Cunningham discloses the transport protocol packets are forwarded to the second node via a Transmission Control Protocol (TCP) connection portion of the transport protocol tunnel connection between the third node and the second node (Erickson fig 2).

18> Regarding claim 11, Erickson-Cunningham discloses the third node is a Web server (Erickson, node 120, fig 3).

19> Regarding claim 12, Erickson-Cunningham discloses the transport protocol tunnel connection passes through a proxy server and a web server, and wherein said transmitting the transport protocol packets to the second node via the transport protocol tunnel connection comprises: transmitting the one or more transport protocol packets from the first node to the proxy server; transmitting the one or more transport protocol packets from the proxy server to the Web server; and the Web server forwarding the one or more transport protocol packets to the second node (Erickson, Fig.3, web sever 121 and proxy, e.g., extension 132; Col.5, line 46-Col.6, line 3).

Art Unit: 2152

20> Regarding claim 13, Erickson-Cunningham discloses the transport protocol tunnel connection passes through at least one firewall between the proxy server and the Web server (Erickson, Fig.3)

21> Regarding claim 14, Erickson-Cunningham discloses the transport protocol packets include messaging system message sequence information, which would have been obvious to one of ordinary skill in the art to use them to process any number of messaging system, since at the time of the invention was made network computer does not limit to a particular number of messaging system. Allowing messages sequence to be used with more than one system would be a desirable choice of ordinary skill in the art to expand the system utility.

22> Regarding claim 16, Erickson-Cunningham discloses receiving the transmitted one or more transport protocol packets on the second node, as described above. Further, since Erickson-Cunningham's teaching related to the use of TCP protocol, thus it inherently teaches acknowledgement is generated communication step between nodes.

23> Regarding claims 20-24 and 26-29, recite inherent feature of using TCP, reliable protocol for messaging transport, including using HTTP, which are also Erickson-Cunningham. To generate and store message at the first, second or the third node using the existing protocol does not render patentable distinct over Erickson-Cunningham.

Art Unit: 2152

24> Regarding claim 30, Erickson-Cunningham discloses the transport protocol is one of UDP (User Datagram Protocol), IrDA (Infrared Data Association), SNA (Systems Network Architecture), IPX (Internetwork Packet eXchange) and Bluetooth (Erickson, Front page).

25> Claims 31-38, 40, 42, 44-49, 51, 59-69, 73-75, 77-82, 84, 87 are analogous to claims 1-16, 20-30 are also rejected by the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

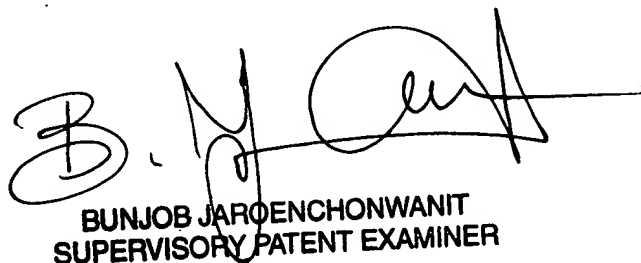
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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SUPERVISORY PATENT EXAMINER